

UNITED STATES DISTRICT COURT

MAR 18 2024

MITCHELL R. ELFERS
CLERK

for the

District of New Mexico

Hanna Gutierrez Reed; Alec
 Baldwin; Frederick Banks, individually
 and as next friend for Hanna Reed, Alec
 Baldwin

Petitioners

v.

Central Intelligence Agency; Warden,
 Santa Fe County Adult Detention Facility;
 Warden, County Jail; Michelle L. Grisham;
 Governor New Mexico; Santa Fe County Sheriff;

Respondents

(name of warden or authorized person having custody of petitioner)

Case No. CV 24-264

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Frederick Banks, See USA v. BANKS 55 F.4th 246 (2022) *3d Cir*
 (b) Other names you have used: Cs striking down fraud guidelines as to intended loss
2. Place of confinement:
 (a) Name of institution: FCF
 (b) Address: Box 100 Janit Road NE 08640
- (c) Your identification number: 05711068
3. Are you currently being held on orders by:
☐ Federal authorities ☒ State authorities ☐ Other - explain:
4. Are you currently:
☒ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
 If you are currently serving a sentence, provide:
 (a) Name and location of court that sentenced you:
 (b) Docket number of criminal case:
 (c) Date of sentencing:
☐ Being held on an immigration charge
☒ Other (explain): Awaiting sentencing & in pretrial

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

BANKS, FREDERICK 05711068

- ☒ Pretrial detention
☐ Immigration detention
☒ Detainer
☒ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Detainer, Conviction, Santa Fe New Mexico
 (b) Docket number, case number, or opinion number: unknown
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____
 (d) Date of the decision or action: 3/6/2024 approximately

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes

☒ No

All available remedies have been exhausted. At 2241 it is the proper procedure to challenge pretrial/detainer post conviction

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: 

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes

☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

*2241 is proper to challenge a detainee rendering
a 2255 inadequate & ineffective*

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: CIA illegally placed petitioners under a FISA warrant and electronically harassed petitioners in violation of 50 USC 1801 et seq, the Fourth Amendment & due process because there was never a valid FISA order or authorization of approval by the FISA Court

(a) Supporting facts (Be brief. Do not cite cases or law.):

CIA illegally placed petitioners under a FISA warrant or other CIA program and electronically harassed petitioners in violation of 50 USC 1801 et seq, the 4th Amendment & due process because there was never a valid FISA order or authorization of approval by the FISA Court See page v. Comey 628 F. Supp 3d 103 (DC Col Sept 1, 2020). CIA sends a wireless signal via satellite on a extremely low frequency which

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

manifest in an individual target as a high pitched tone to electronically harass and in this case influence the jury to cause petitioners incarceration. CIA calls the technology "Telepathic Behavior Modification" see term and "Telepathy Research" at cia.gov

GROUND TWO: (Shaving declassified documents from 2001); Taylor v. Conti' 20 F. Supp. 3d 219 (DC Col 2014) ("this technology" allowed a microwave phone call directly to [the petitioners] brain"); Foggy v. United States Govt, 2007 US Dist LEXIS 103230 (the Idaho May 16, 2007) ("Government placed hollywood voices in [plaintiff's] head which told her to kill her son"); Sims v. CIA 642 F.2d 562 (DC Cir 1980) (CIA sponsored extensive research in clandestine operations to control human behavior). This Technology is also sometimes called Microwave Auditory Effect or Frey Effect. See also "Synthetic Telepathy" at nbcnews.com; Voice of God Weapon at wired.com

(a) Supporting facts (Be brief. Do not cite cases or law.):

The court should order the FISA be disclosed under 50 USC 1806(f).

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

1. This is the same technology the CIA employed via satellite on Wendy Williams & Bruce Willis & Robert Bowers

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TAMRA FOGGY, Plaintiff, vs. UNITED STATES GOVERNMENT, et al., Defendants.
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO
2007 U.S. Dist. LEXIS 103230
Case No. CV 07-104-C-EJL
May 16, 2007, Decided
May 16, 2007, Filed

Editorial Information: Subsequent History

Adopted by, Dismissed by Foggy v. United States, 2007 U.S. Dist. LEXIS 41346 (D. Idaho, June 5, 2007)

Counsel Tamra Foggy, Plaintiff, Pro se, Lewiston, ID.
Judges: Honorable Larry M. Boyle, U. S. Magistrate Judge.

Opinion

Opinion by: Larry M. Boyle

Opinion

ORDER, REPORT AND RECOMMENDATION

Currently pending before the Court are Plaintiff's Petition for Order to Proceed In Forma Pauperis (Docket No. 2) and Motion to Appoint Counsel (Docket No. 6). The District Court has referred this action to the undersigned for all pretrial matters. (Docket No. 8). Accordingly, having carefully reviewed the record, and otherwise being fully advised, the following Order, Report and Recommendation is entered pursuant to 28 U.S.C. § 636(b).

I.

BACKGROUND

On February 13, 2007, Plaintiff Tamra Foggy ("Plaintiff") filed a Complaint (Docket No. 2) and Application for Leave to Proceed in Forma Pauperis (Docket No. 1). The Complaint is on a Prisoner Civil Rights Complaint form. (Docket No. 2). There is no jurisdictional assertion, *id.* at 1-2, and the cause of action section refers to an attachment, *id.* at 2. In addition, the Supporting Facts include the following list: "Dept. of Justice," "U.S. Secret Service," "FBI," and "U.S. Government." *Id.* at 3. The Complaint indicates that previous lawsuits were filed and dismissed in "Oregon and Washington State" for {2007 U.S. Dist. LEXIS 2}lack of evidence. *Id.* at 5. As to specifically what Plaintiff seeks in filing this case, the Requested Relief section merely states "Ask the subpoenad [sic] family." *Id.* at 7.

Attached to her Complaint is a cluttered, 36-page typewritten Attachment with hastily added or scribbled portions in Plaintiff's handwriting. (Docket No. 2-3). The Attachment is a rambling, troubling, tragic and nonsensical account of Plaintiff's concerns and experiences with portions of the account underlined, circled or redacted. For example, the first page includes the following statement:

U.S. GOVERNMENT TURNED ON ITS Satellite and began using Hollywood voices in my head

6yicases

and they told me to Kill my son and have sex with him and molest him. I was never accused by the U.S. Government of Sexually Kids until I went to Thailand in 2003 and 2004. One other Country I taught English in two schools accused me of sexually milesting [sic] kids and the U.S. Government defended me in the Usa [sic] after my vacation and I said I am innocent. Attachment to Complaint, p. 1 (Docket No. 2-3). Another example of the incoherent allegations includes the following statement, "Pictures enclosed show what the U.S. Government did to {2007 U.S. Dist. LEXIS 3}my face with the Satellite voices of Hollywood. Satellite Ca, caused /skin Droop not Muscle (face) and zaps are 1% of a Outlet if rubbing your feet on a rug and touching a outlet [sic]." *Id.* at 3. The Attachment also includes a page of photocopied photographs and identification cards. *Id.* at 32.

JOHN CARY SIMS et al . v. CENTRAL INTELLIGENCE AGENCY et al ., APPELLANTS
UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT
642 F.2d 562; 206 U.S. App. D.C. 157; 1980 U.S. App. LEXIS 13644
Nos. 79-2203, 79-2554
September 29, 1980, Decided
May 28, 1980, Argued

Editorial Information: Prior History

{1980 U.S. App. LEXIS 1} Appeals from the United States District Court for the District of Columbia (D.C. Civil Action No. 78-2251).

Counsel Michael Kimmel, Atty., Dept. of Justice, Washington, D.C., with whom Alice Daniel, Asst. Atty. Gen., Charles F. C. Ruff, U. S. Atty., and Robert E. Kopp, Atty., Dept. of Justice, Washington, D.C., were on the brief, for appellants.

Paul Alan Levy, Washington, D.C., with whom David C. Vladeck and Alan B. Morrison, Washington, D.C., were on the brief, for appellees.

Judges: Before WRIGHT, Chief Judge, MIKVA, Circuit Judge, and MARKEY, * Chief Judge, United States Court of Customs and Patent Appeals.

CASE SUMMARY

PROCEDURAL POSTURE: Appellant Central Intelligence Agency (CIA) challenged the judgment of the United States District Court for the District of Columbia, which granted appellee citizen's request for names of people who conducted scientific research for the CIA under the Freedom of Information Act (FOIA), 5 U.S.C.S. § 552, and denied the applicability of Exemption 3 of the FOIA, 5 U.S.C.S. § 552(b)(3), and Exemption 6 of the FOIA, 5 U.S.C.S. § 552(b)(6). Judgment granting citizen's request for information as to names of researchers used by CIA under Freedom of Information Act (FOIA) was vacated and remanded as to Exemption 3 of FOIA to define kind of information involved and to assess risk to CIA.

OVERVIEW: Between 1953 and 1966, the CIA sponsored extensive research concerning chemical, biological, and radiological materials capable of employment in clandestine operations to control human behavior. The CIA destroyed most of its substantive records of the project in 1973. In 1977, however, the CIA located documents related to the project, including the names of persons and institutions that had contracted to undertake research. After the citizen's request for disclosure, the CIA disclosed only the names of institutions that gave the CIA permission to do so. The CIA withheld the names of all individual researchers who participated in the project and the institutions that refused to consent to disclosure. The court vacated the judgment, remanded for further analysis, and held that the trial court did not apply the proper legal standard under Exemption 3 of the FOIA. The court found that on remand the trial court needed to define the kind of information involved and assess the likelihood that disclosure would have undermined the CIA access to information of that kind. The court affirmed the ruling that Exemption 6 of FOIA did not apply, but differed with the trial court's analysis.

OUTCOME: The court vacated the judgment that the citizen was entitled to information under the

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

3/7/24

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 3/7/24

for Hanna Gutierrez & Alec Baldwin
Signature of Petitioner

Signature of Attorney or other authorized person, if any

Hamilton Brown Firm
facebook.com/hamiltonbrownfirm
TEL: 412 580 0497
fred@hamiltonbrownfirm.com

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS*Hanna Gutierrez Reed et al*

(b) County of Residence of First Listed Plaintiff

Santa Fe

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

*Frederick Banks, Hamilton Brown Firm
600 Grant St, US Steel Tower
Pittsburgh, PA 15219, Tel: 412.580.0497*

DEFENDANTS*Central Intelligence Agency, et al*

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input checked="" type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC 2241, 50 USC 1801, et seq, 50 USC 1806(f)

Brief description of cause:

*To Lift FISA WARRANT 9 for Discharge from custody***VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

 3/17/24
 FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

BANKS, FREDERICK 05711068

Frederick Banks

05711068

FCF

Po Box 2000

Joint Base MBL, NJ. 08640



RECEIVED

UNITED STATES DISTRICT COURT
SANTA FE, NEW MEXICO

MAR 18 2024

MITCHELL R. ELFERS
CLERK

*Clerk, Santiago E. Campos US Courthouse
106 South Federal Place
Santa Fe, NM 87501-1902*

87501 34011 0052

